

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

INTERNATIONAL ENVIRONMENTAL)	
MANAGEMENT, INC.,)	
Plaintiff)	
)	
v.)	C.A. NO. 09-CV-30025-MAP
)	
ENVIROTRON, LTD, d/b/a)	
CHAINSTAR USA, ET AL.,)	
Defendants)	

MEMORANDUM AND ORDER RE:
REPORT AND RECOMMENDATION REGARDING
THIRD-PARTY DEFENDANT FITZGERALD'S MOTION TO DISMISS
AND DEFENDANT ANN TAYLOR'S MOTION TO AMEND
CROSS CLAIM AND THIRD-PARTY COMPLAINT
(Dkt. Nos. 27, 43 & 55)

July 7, 2010

PONSOR, D.J.

This is a complex piece of litigation based, at its core, on Plaintiff's claim to be paid for services in an amount of at least \$789,357.00. Third-Party Defendant Fitzgerald filed a Motion to Dismiss (Dkt. No. 27) and Defendant Ann Taylor, Inc. filed a Motion to Amend Cross Claim and Third-Party Complaint (Dkt. No. 43). The motions were referred to Magistrate Judge Kenneth P. Neiman for report and recommendation.

On April 13, 2010, Judge Neiman issued his Report and Recommendation, to the effect that Fitzgerald's motion should be denied and Ann Taylor's motion allowed. See Dkt. No. 55 at 14-15. The memorandum also indicated that

Defendant Ann Taylor's "counterclaims" portion of its Motion to Amend would remain under advisement, and within fifteen days following this court's ruling on the Report and Recommendation, Plaintiff and Defendant Ann Taylor would report regarding how they wished to proceed.

On May 3, 2010, Plaintiff and Defendant Ann Taylor filed a Stipulation of Dismissal with regard to all claims between them (Dkt. No. 56).

The conclusion of the Report and Recommendation admonished the parties at n. 3 that objections to the Report and Recommendation were to be filed within fourteen days of receipt. No objections have been filed.

Having reviewed the substance of the Report and Recommendation and finding it meritorious, and noting that there is no objection, the court, upon de novo review, hereby ADOPTS the Report and Recommendation (Dkt. No. 55).

Based upon this, the court hereby DENIES Defendant Fitzgerald's Motion to Dismiss (Dkt. No. 27). Defendant Ann Taylor's Motion to Amend (Dkt. No. 43) is hereby ALLOWED.

On March 16, 2010, Judge Neiman issued his Pretrial Scheduling Order (Dkt. No. 54), setting dates for, among other things, motions for summary judgment. These were to be filed by June 18, 2010, with opposition by July 2, 2010, replies by July 16, 2010, and argument on July 28, 2010.

Since no motions have been filed, the court assumes that none will be forthcoming. The July 28 argument date is therefore off. Counsel will appear again before this court on September 14, 2010 at 2:30 p.m. for a final pretrial conference.

It is So Ordered.

/s/ Michael A. Ponsor

MICHAEL A. PONSOR

U. S. District Judge